



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"Enriching Lives"*

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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

October 2, 2003

IN REPLY PLEASE  
REFER TO FILE: PD-2

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA  
ROAD REHABILITATION PROJECT  
AMENDMENT TO COOPERATIVE AGREEMENT NO. 74440  
SUPERVISORIAL DISTRICTS 1 AND 5  
3 VOTES**

### **IT IS RECOMMENDED THAT YOUR BOARD:**

Approve and instruct the Chair of the Board to sign the Amendment to Agreement No. 74440 with California State Polytechnic University, Pomona, for the subject project. The Amendment provides for the State to finance all project costs not eligible to be paid from or which may exceed the Federal grant funds. All other provisions of Agreement No. 74440 shall remain in full force and effect.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The County-California State Polytechnic University, Pomona (Cal Poly Pomona) cooperative project involves reconstruction of roadway pavement and curb and gutter on the campus of Cal Poly Pomona. The project, previously estimated to cost \$2,900,000, was to be funded with a combination of Federal grant funds (\$2,000,000), State funds (\$600,000), and Los Angeles County Metropolitan Transportation Authority grant funds (\$300,000).

With the recent award of the construction contract for the project in the amount of \$1,409,943, the total cost of the project is now estimated to be \$2,150,000. The Los Angeles County Metropolitan Transportation Authority grant funds are no longer necessary to complete the project. The enclosed Amendment provides for the State to finance all project costs not eligible to be paid from or which may exceed the Federal grant funds.

### **Implementation of Strategic Plan Goals**

This action is consistent with the County's Strategic Plan Goal of Fiscal Responsibility by fully utilizing Federal and State funding for this project.

### **FISCAL IMPACT/FINANCING**

The Los Angeles County Metropolitan Transportation Authority grant funds of \$300,000 are no longer required for the project.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

On April 29, 2003, Synopsis No. 63, your Board approved Agreement No. 74440 with Cal Poly Pomona to improve designated streets within the campus. Agreement No. 74440 provides for the County to perform the preliminary engineering, construction inspection and engineering, materials testing, construction survey, and contract administration for the project. The project was to be funded with a combination of Federal grant funds (\$2,000,000), State funds (\$600,000), and Los Angeles County Metropolitan Transportation Authority grant funds (\$300,000).

The enclosed Amendment to Agreement No. 74440 provides for the State to finance all project costs not eligible to be paid from or which may exceed the Federal grant funds. The State's share of the project costs is currently estimated to be \$250,000 and will be determined based upon a final accounting after completion of the project.

### **ENVIRONMENTAL DOCUMENTATION**

On April 29, 2003, Synopsis No. 63, your Board found this project exempt from the California Environmental Quality Act.

The Honorable Board of Supervisors  
October 2, 2003  
Page 3

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The proposed improvements are needed and of general County interest.

**CONCLUSION**

Enclosed are two copies of the Amendment to Agreement No. 74440, which have been approved by Cal Poly Pomona and approved as to form by County Counsel. Upon approval, please return the copy marked "CAL POLY POMONA ORIGINAL" to Public Works for processing together with one approved copy of this letter. The copy marked "COUNTY ORIGINAL" is for your files.

Respectfully submitted,

JAMES A. NOYES  
Director of Public Works

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Enc.

cc: Chief Administrative Office  
County Counsel

AMENDMENT TO AGREEMENT NO. 74440

THIS AMENDMENT TO AGREEMENT, made and entered into by and between the STATE OF CALIFORNIA, hereinafter referred to as "STATE," and the COUNTY OF LOS ANGELES, a political subdivision of the State of California, hereinafter referred to as "COUNTY":

WITNESSETH

WHEREAS, STATE and COUNTY have entered into STATE-COUNTY Agreement No. 74440, dated April 29, 2003, hereinafter referred to as "AGREEMENT"; and

WHEREAS, the COST OF PROJECT (as defined in the AGREEMENT) was originally estimated in the AGREEMENT to be Two Million Nine Hundred Thousand and 00/100 Dollars (\$2,900,000); and

WHEREAS, COUNTY opened bids for the construction of the PROJECT (as defined in the AGREEMENT) on May 27, 2003; and

WHEREAS, the lowest responsible bid for the construction of the project was One Million Four Hundred Nine Thousand Nine Hundred Forty-two and 70/100 Dollars (\$1,409,942.70), less than originally estimated; and

WHEREAS, the total COST OF PROJECT (as defined in the AGREEMENT) is therefore now currently estimated to be Two Million One Hundred Fifty Thousand and 00/100 Dollars (\$2,150,000); and

WHEREAS, Federal grant funds in the amount of Two Million and 00/100 Dollars (\$2,000,000) have been made available for PROJECT; and

WHEREAS, STATE is willing to finance the portion of the COST OF PROJECT that is not eligible to be paid from or which may exceed Federal grant funds; and

WHEREAS, MTA grant funds of Three Hundred Thousand and 00/100 Dollars (\$300,000) are therefore no longer needed for the PROJECT; and

WHEREAS, STATE and COUNTY wish to redefine their financial responsibilities for PROJECT based on the aforementioned reduction in the COST OF PROJECT.

NOW, THEREFORE, STATE and COUNTY mutually agree to amend AGREEMENT as follows:

**Amend Section (2), Items a and b, to read:**

- a. Notwithstanding any previous estimates, to finance the entire portion of the COST OF PROJECT that is not eligible to be paid from or which may exceed Federal grant funds, the amount of which is to be determined by a final accounting of PROJECT costs.
- b. To deposit with COUNTY, following execution of this agreement and the opening of construction bids for PROJECT and upon demand by COUNTY, sufficient STATE funds to finance the entire COST OF PROJECT not eligible for Federal grant funds. This deposit is currently estimated to be Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000). Said demand will consist of a billing invoice prepared by COUNTY.

In all other respects, the provisions of the AGREEMENT shall remain in full force and effect.

[illegible]

IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT TO AGREEMENT to be executed by their respective officers, duly authorized, by the California State Polytechnic University, Pomona, on \_\_\_\_\_, 2003, and by the COUNTY OF LOS ANGELES on \_\_\_\_\_, 2003.

ATTEST:

COUNTY OF LOS ANGELES

VIOLET VARONA-LUKENS  
Executive Officer of the  
Board of Supervisors of  
the County of Los Angeles

By \_\_\_\_\_  
Chair, Board of Supervisors

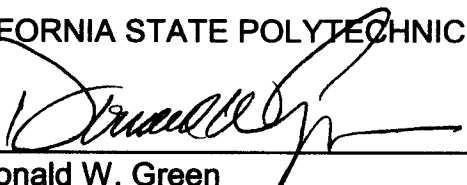
By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN  
County Counsel

By  \_\_\_\_\_  
Deputy

CALIFORNIA STATE POLYTECHNIC UNIVERSITY, POMONA

By  \_\_\_\_\_  
Donald W. Green  
Director, Procurement and Support Services